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8 **UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
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11 DAVID K. HOWELL,
12 Petitioner,
13 v.
14 SHAWN HATTON,
15 Respondent.
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Case No. CV 15-03551 PA (RAO)

**ORDER ACCEPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE**

17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all of the
18 records and files herein, and the Magistrate Judge's Report and Recommendation.
19 Further, the Court has engaged in a *de novo* review of those portions of the Report
20 to which Petitioner has objected. The Court accepts and adopts the findings,
21 conclusions, and recommendations of the Magistrate Judge.

22 IT IS ORDERED that within 30 days of the date of this Order, Petitioner
23 shall either: (a) elect to proceed on his exhausted claims by filing a "Notice of
24 Petitioner's Election to Proceed on only his Exhausted Claims and Consent to
25 Striking Unexhausted Claims;" or (b) elect to return to state court to exhaust his
26 unexhausted claims by filing a consent to dismissal of this action without prejudice.

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1 IT IS FURTHER ORDERED that in the event Petitioner elects to withdraw
2 the unexhausted claims, Respondent shall file and serve an Answer to the Petition
3 within 45 days of the service of Petitioner's notice of election to proceed on only
4 his exhausted claims.

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6 DATED: August 11, 2016



7 PERCY ANDERSON
8 UNITED STATES DISTRICT JUDGE
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